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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,846	06/24/2003	Masahiro Harashige	239317US3	8078
22850	7590	03/08/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VANATTA, AMY B	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,846

Applicant(s)

HARASHIGE, MASAHIRO

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06242003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rendered indefinite by the recitation of opening control means for “uniformly forming size and form of openings”. This recitation is confusing because the relationship between these “openings” and the “slits” which were recited in line 2 of this claim is unclear. If the slits and openings are actually the same structure, consistent terminology should be recited for this structure, e.g. the term “slit” should be used in place of “openings”. If the openings are distinct from the slits, this distinction or structural relationship between these two types of openings should be more clearly recited. This recitation is also indefinite since it is unclear what is meant by “uniformly forming...form of openings”. It is unclear how the means forms “the form” of the openings.

Claims 11-15 are rendered indefinite by the recitation of “said means for expanding the width of a traveling web”, since this term lacks antecedent basis to the extent that the means for expanding was previously recited as a “means for expanding the width of the web”. It is unclear whether the means for expanding of claims 11-15 is

the same as that recited in claim 1, i.e. it is unclear whether the means in claim 1 is for a "traveling" web, as recited in claims 11-15.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 11, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Aihara et al (US 5,791,030).

Aihara et al discloses a web expander including a means for carrying a web having longitudinal slits (2), the means for carrying comprising a feeder 4, a pair of pinch rolls 5, two guide rolls 6, and a tension sensitive-and-adjustive roll 7. This structure performs the same function and comprises the same structure as that structure in applicant's specification which corresponds to the "means for carrying a web having longitudinal slits" under 35 U.S.C. 112, sixth paragraph (see page 3, lines 29-30 which disclose that the means for carrying is the web feeding means 3, and see page 3, line 34, through page 4, line 1, disclosing that the web feeding means 3 comprises feeder 9, a pair of pinch rolls 10, two guide rolls 11, and a tension sensitive-and-adjustive roll 12 positioned between the two guide rolls 11). Aihara et al disclose a means for expanding the width of the web comprising a web expander 9 (see Fig. 4), cross guiders 11, additional widening tools as disclosed in col. 12, lines 46-49), and

controller 28. This structure performs the same function and comprises the same structure as that structure in applicant's specification which corresponds to the "means for expanding the width of the web" under 35 U.S.C. 112, sixth paragraph; see page 2, lines 24-33, which disclose that the "means for expanding" comprises a cloth guider having two rolls so as to grasp one longitudinal edge portion of the web (Aihara discloses cloth guiders 11), at least one member selected from the group consisting of a flat expander, a cage roll, a bow rubber roll, a bow rod applicator, and a screw roll, and optionally also a controller (Aihara discloses controller 28). Regarding the at least one member selected from the group consisting of a flat expander, a cage roll, a bow rubber roll, a bow rod applicator, and a screw roll, Aihara discloses that the means for expanding may include a screw roll, a bowed roll, or an arc bar. Alternatively, the widening tool 9 is regarded as an equivalent to the flat expander, cage roll, bow rubber roll, bow rod applicator, and screw roll disclosed by applicant since it performs the identical function of expanding a longitudinally slit web, in substantially the same way (by providing a force which expands the web laterally), produces substantially the same results as applicant's "means for expanding", and is not excluded by an explicit definition in the specification.

Aihara discloses an opening control means (15) for uniformly forming the size and form of the openings of the web expanded by the means for expanding. This structure (15) performs the same function and comprises the same structure as that structure in applicant's specification which corresponds to the "opening control means for uniformly forming size and form of openings of the web" under 35 U.S.C. 112, sixth

paragraph, since applicant discloses that the opening control means comprises ribbed rolls 31, which correspond to the ribbed rolls 15 of Aihara (see Figs. 4 and 13A-15B). Aihara teaches that the elements 15 ("opening control means") function to widen the interval between the fibers of the web "more uniformly" (col. 5, lines 55-57) and produce a more uniform web by finely controlling the apertures of the web (col. 11, lines 44-48).

Regarding claim 11, the means for expanding the width of the web as disclosed by Aihara includes a cloth guider 11 having two rolls (30,31) which grasp one edge portion of the web (see Figs. 11-12 of Aihara).

Regarding claim 12, Aihara disclose that the means for expanding the width of the web may include a screw roll, a bowed roll, an arc bar or the like (see col. 12, lines 46-49). Aihara discloses that such a known screw roll has a screw groove in its cylindrical surface (col. 1, line 29), thus having the structure of the claimed "screw roll having a screw groove made on its cylindrical surface" as recited in claim 12.

Regarding claim 13, the means for expanding the width of the web as disclosed by Aihara includes a controller 28 for controlling the width of the web as claimed.

Allowable Subject Matter

5. Claims 2-10 and 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record do not disclose a web expander comprising a means for

carrying a web having longitudinal slits within the scope of applicant's 35 U.S.C. 112, sixth paragraph limitation, a means for expanding the width of the web within the scope of applicant's 35 U.S.C. 112, sixth paragraph limitation, an opening control means for uniformly forming the size and form of the web openings within the scope of applicant's 35 U.S.C. 112, sixth paragraph limitation, wherein the opening control means comprises a rotatable ribbed roll having a plurality of ribs on its circumference, the ribbed roll being adapted to be applied to one side of the web to rotate in the direction in which the web is reduced in width. Aihara discloses a web expander as in claim 1, including a roll 15 comprising a spiral web guide means 40 with ribs and grooves (see Figs. 13A-13B), which forms an opening control means for uniformly forming the size and form of the openings of the web, however the ribbed spiral roll is rotated in a direction for expanding the width of the web while the spiral web guide means rotates (see col. 9, line 43 through col. 10, line 48). Thus, the rotatable ribbed roll of Aihara further increases the width of the web, in contrast to the present invention, in which the web is excessively widened before contacting the ribbed roll, and the ribbed roll reduces the width of the web. The rotatable ribbed roll of Aihara is not "adapted to be applied to one side of the web to rotate in the direction in which the web is reduced in width".


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amy B. Vanatta
Primary Examiner
Art Unit 3765